

Board of Selectmen's Meeting Minutes

April 8, 2010

Harpwell Town Office

Approved on April 22, 2010

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At 5:30 p.m. the Board met to handle administrative matters: the Board agreed to send a letter to the Harpswell Business Association for distribution to businesses regarding the new Sign Ordinance and to place an ad in the Anchor; Gina Perow reviewed the three bids received for mowing Trufant Summerton Field and the Board agreed to proceed with Goodall Landscaping at the lowest cost (\$1.00 per mow); the Board was provided information regarding the election process for the Executive Committee of Maine Municipal Association, which will be placed on a future agenda; Rosalind Knight, Town Clerk, reviewed the State's Voting Place Policy with the Board and explained what steps she is taking to have the Town Office listed as a regular polling site; Chairman Henderson requested information regarding re-districting the voting areas, specifically from the Orr's Island Bridge to the Mountain Road bridge; an executive session was scheduled for April 15 at 5:00 re possible acquisition of property and a meeting at 6:00 p.m. on April 15 with the Orr's Island Library re land use matter; Selectman Multer suggested obtaining legal advice about whether the Board has the power to limit business competition at Mitchell Field or any other place; Chairman Henderson asked the Board to think about adopting an ordinance that would allow the Town to clear trees from private roads during a storm and about notifying road associations of the issues; Chairman Henderson requested information from the Road Commissioner/Town engineer regarding objective standards for posting and not posting certain Town roads; and purchase orders were reviewed and signed.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Gina Perow, Recreation Director

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: There were no comments.

3. Town Administrator's Report: Administrator Eiane announced that the Federal Emergency Management Agency (FEMA) has declared the time period from February 23 to March 2 as an emergency and the Town will receive 75% reimbursement for its storm related costs associated with the time period. Administrator Eiane reported the Town's costs are approximately \$5,000-\$7,000 and she will file the paperwork for reimbursement. Additionally, the Town may be able to submit for reimbursement for the costs involved with disposing of brush related to the storm and the Board may want to consider extending the half price for brush disposal at the Transfer Station to assist taxpayers. Selectman Multer moved, seconded by Chairman Henderson to authorize the Town Administrator to work with the Recycling Center Manager to make a decision regarding brush disposal. Chairman Henderson clarified by moving to authorize the Town Administrator to work with the Manager to develop a system to accept debris from the storm within a four week period and to consider extending the 50% fee reduction arrangement for storm related brush only; motion passed 2-0 (Selectman Wallace abstained). Administrator Eiane stated the Communications Advisory Committee has worked over a year on a new franchise agreement with Comcast and it should be available for review by the Board in two weeks. A hearing will need to be scheduled pursuant to the Cable Ordinance. Administrator Eiane reported she has left two messages for Commissioner Susan Gendron in follow up of the Board's January letter and has had no response.

4. Selectmen's Announcements: Selectman Multer stated the first Mitchell Field public forum regarding zoning and performance standards for the business zone at the Field was held last night at Harpswell Islands School. Selectman Multer expressed disappointment that only about 20 people attended to give input on such an important topic and encouraged everyone to attend the next forum, which will be soon. Chairman Henderson announced the Mitchell Field Implementation Committee is looking for someone to help organize and take charge of the proposed community gardens at Mitchell Field. Chairman Henderson encouraged anyone interested in helping and/or having a plot to contact the Town Office.

5. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the March 25 meeting minutes; motion passed 3-0.

6. Consider Accepting a swing set gift for Trufant Summerton Field: Gina Perow, Recreation Director, stated that a resident, Matt Rogers, would like to donate a wooden swing/play set for use at Trufant-Summerton Ballfield. Ms. Perow noted the usefulness of a play set for the siblings during baseball games. The estimated value is \$800. Administrator Eiane noted the insurance company will be notified of the addition and that an increase is not expected. Chairman Henderson noted the proposal fits within the newly adopted ordinance since the value is not greater than \$3,000 and maintenance is not expected to exceed \$300/year. Chairman Henderson moved, seconded by Selectman Wallace to accept the swing set with thanks; motion passed 3-0.

Additional Public Comment: Robert McIntyre asked if the Town would consider purchasing the smaller adjoining lot (Map 15, Lot 161) to the Williams lot that the Harpswell Heritage Land Trust is trying to purchase. Administrator Eiane noted the lot was shown on the Harpswell Heritage Land Trust map as a future possible acquisition. Mr. McIntyre asked how the Board wanted to address submissions on how to address the \$219,000 West Harpswell School costs. Chairman Henderson responded he wanted to hear from Commissioner Gendron first.

Selectman Wallace stated he wanted to adhere to the public comment schedule and not allow persons arriving late to speak. Selectman Multer agreed to draft a revision to the Public Participation Policy.

7. Consider Letter to M.S.A.D. 75 Re: Harpswell's Assessment Information: Chairman Henderson stated questions have been raised as to why MSAD 75 didn't release information that Harpswell's 2010-2011 school assessment would be decreasing even if the additional assessment to keep the West Harpswell School open was applied. Chairman Henderson reviewed a letter he drafted to Superintendent Wilhelm regarding the Board's dissatisfaction with the timing of the information. Selectman Multer expressed concern about the letter as it presumes the District is answerable to the Town, which is not the case. Selectman Multer drafted an alternative letter that expresses the Board's dissatisfaction with not knowing the information before the vote and asks that the District assures any similar information be made available in future votes. **Selectman Multer moved, seconded by Chairman Henderson to send Selectman Multer's letter.** Chairman Henderson stated the District has the responsibility to inform voters regarding the financial impact and that it's not unreasonable to ask questions. Chairman Henderson suggested adding one sentence to Selectman Multer's letter that asks the District to shed light on why the information wasn't made available before the referendum. Selectman Multer stated she has corresponded with Superintendent Wilhelm by sending Chairman Henderson's draft letter for comment prior to the meeting and she will provide the other Board members with Mr. Wilhelm's comments. Chairman Henderson stated he wanted to put the public's concerns to rest and one way is to have the reasons why the information wasn't provided and he preferred a formal response to the Board and not to one Selectman as it was solicited individually. Selectman Wallace stated he was in favor of Selectman Multer's letter. **Selectman Multer's motion passed 3-0.** Julia Stevens provided the Board with a copy of the Stipulation of Dismissal, meaning the end of the Friends for Harpswell Education lawsuit.

8. Contracts with Cumberland County: Law Enforcement and Marine Patrol: Administrator Eiane reviewed the different contract language from the proposed April 1, 2010 to March 31, 2011 contract for general law enforcement services. Selectman Multer noted she would not hold up the approval of these contracts but that there is language in the Marine Services contract that requires possible revision for the next year. Chairman Henderson agreed that the contracts should have a general review and make specific changes for next year. Selectman Multer moved, seconded by Chairman Henderson to approve the general law enforcement contract (\$280,050.32); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to approve the marine contract (\$166,419.60); motion passed 3-0.

9. Consider Coastal Humane Society Contract: Deputy Administrator Sawyer reviewed the differences in this proposed contract to the prior year's contract and stated the price is the same as last year at \$6,286.80. Chairman Henderson moved, seconded by Selectman Multer to approve the Coastal Humane Society Contract; motion passed 3-0.

10. Consider Contract with Robert Gerber to Review Proposed FEMA Mapping: Administrator Eiane stated this service was not put out to bid as it is a specialized field researching the Federal Emergency Management Agency (FEMA) proposed map changes (zones and elevations). Mr. Gerber has performed this service for other area towns and cities that may be potentially impacted by FEMA's proposed amendments. Administrator Eiane noted that Town Meeting authorized \$20,000 for this purpose and this contract with Robert Gerber (Sebago Technics) is for \$17,250 to analyze 23 out of Harpswell's 41 transects, including one in the Cundy's Harbor working waterfront area. FEMA's proposal includes increasing the elevation and changing the zones to the most restrictive, VE and this research may be enough to challenge the proposal. Chairman Henderson noted that the contract outlines an additional charge for meetings at \$125/hour. Chairman Henderson moved, seconded by Selectman Wallace to authorize the Town Administrator to sign the contract with Sebago Technics; motion passed 3-0.

11. Consider Setting the Blasting Permit Fee: Administrator Eiane stated that blasting permit fees have to be established since Town Meeting adopted the new Blasting Ordinance. Given that this is a new ordinance, there isn't historical information regarding time to base a fee on, therefore, staff researched fees of other towns. It is recommended that a \$50 fee be assessed for permits requiring code office review and \$135 for Planning Board review. The Planning Board fee is the same as the minimum fee charged for a general Planning Board application, which was based on a cost analysis of time, mailing etc. Selectman Multer moved, seconded by Selectman Wallace to accept the recommendations and asked that the fees be reviewed once there is historical information; motion passed 3-0.

12. Consider Lifting Weight Restrictions on Town Roads: Administrator Eiane stated that Brunswick recently lifted the posted weight limitations on its town roads (except on gravel roads), which was a decision of the Public Works Director. The Director uses several criteria to determine whether to lift the restrictions, such as temperature, road conditions, ditching, etc. Selectman Wallace moved, seconded by Selectman Multer to lift the weight restrictions on all Town roads; motion passed 3-0. Chairman Henderson noted it would be useful to have objective criteria to use for determining which roads should be posted for next year.

13. Ocean Energy Task Force Legislation: Selectman Multer stated she read in the Maine Municipal Bulletin about a proposed new law relating to wind energy that would allow structures in the ocean. Selectman Multer suggested that if the law passes, that the Town keep an eye on the topic and how it can potentially impact Harpswell. Chairman Henderson agreed and stated the law passed on April 7.

14. Consider Policy Re: Co-Sponsorship of Events: Administrator Eiane stated she drafted a Sponsorship Policy for the Board to review. The Board will review and comment at a future meeting.

15. Appointments: Administrator Eiane stated Code Enforcement Officer William Wells will be out on medical leave for approximately 4 weeks and asked the Board to appoint Jason Marshall, current Code Assistant, as the alternate Code Enforcement Officer (CEO.) Additionally, the Board was asked to appoint Albert Farris as the alternate Local Plumbing Inspector at \$23.12/hour. Mr. Farris will be assisting the Town on Fridays as he works for the Town of Falmouth which is not open on Fridays and he is fully certified in all areas. Jason Marshall's rate of pay, while serving as alternate CEO is recommended at \$18.71/hour to be effective April 5. Selectman Multer moved, seconded by Selectman Wallace to appoint Jason Marshall as the alternate Code Enforcement Officer and appoint Albert Farris as the alternate Local Plumbing Inspector, both at the recommended rate of pay and until May 30, 2010; motion passed 3-0.

16. Old Business: Design Review Committee Mission Statement and Appointments: The Board tabled the adoption of the mission statement as the Committee has not been able to meet and review it. Chairman Henderson moved, seconded by Selectman Wallace to appoint Harriet Modr, Gail Kass, David Hackett, Jennifer Verplanck and Bradford McFadden to the Committee from April 8, 2010 to March 30, 2011; motion passed 3-0.

17. Other Business: None.

18. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #21 in the amount of \$811,465.77; motion passed 3-0. Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #22 in the amount not to exceed \$500 to mail the Town bulletins; motion passed 3-0. Selectman Multer moved, seconded by Chairman Henderson to authorize warrant #23 in the amount of \$9,850.04; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #15 in the amount of \$13,756.23 was noted for the record.

19. Adjournment: The meeting adjourned by unanimous vote at 7:55 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

[Attachments are available at the Town Clerk's Office or by email at harpowell@gwi.net]